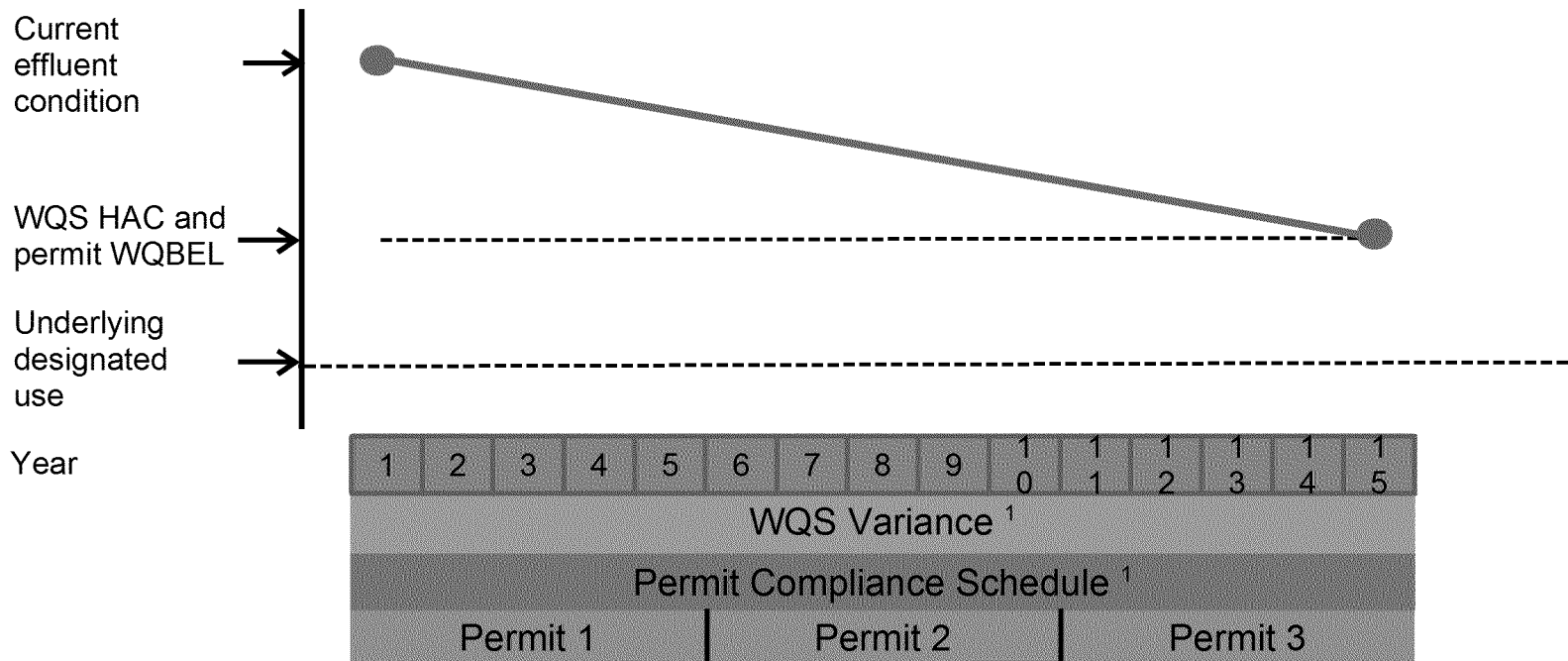


Hypothetical Example of Coordinating a Discharger-specific WQS Variance and a Permit Compliance Schedule

The underlying designated use is not attainable. The highest attainable condition (HAC) can be identified as an effluent condition, but the discharger requires 15 years to attain it. The state adopts a 15-year WQS variance specifying the HAC, and establishes a water quality based effluent limit (WQBEL) equal to the HAC. The state also provides the permittee with a 15-year compliance schedule that will lead to attainment of the WQBEL “as soon as possible” (in this case 15 years).



¹ Meets all statutory and regulatory requirements.

After 15 years, the state or tribe could:

1. Establish a new WQBEL derived from the underlying designated use (and a compliance schedule if needed) if the underlying designated use is now attainable;
2. Consider adopting a subsequent WQS variance with a new HAC and WQBEL (and compliance schedule if needed) if uncertainty remains about the attainability of the underlying designated use;
3. Consider modifying the designated use if it remains unattainable.